

1 UNITED STATE DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

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COPY

4 ANDREW SHALABY,

5 Plaintiff,

6 vs.

No. C06-07026 CW

7 NEWELL RUBBERMAID, INC.

8 Defendants.
9 _____/

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11 ANDREW W. SHALABY

12 VOLUME I

13
14
15 Taken before TIFFANY D. DEUSEBIO

16 A Certified Shorthand Reporter

17 In and for the State of California

18 CSR No. 9086, RPR, CRR

19 September 24, 2007
20
21

22 DIABLO VALLEY REPORTING SERVICES

23 Certified Shorthand Reporters

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1 (Brief recess taken from 03:56 p.m. to
2 04:11 p.m.)

3 BY MR. ERGO:

4 Q. I apologize right now because I think I'm going
5 to go back over something that I already asked you
6 about, but redundancy is my middle name.

7 A. Okay.

8 Q. We talked in great detail about whether the
9 cylinder torch assembly came in contact with anything
10 from the time you picked it off the table to the time
11 that you threw the cylinder. And you told me that no,
12 it didn't come in contact with anything other than your
13 hand. Correct?

14 A. Correct.

15 Q. How about earlier in the day? Had any force
16 been applied to this cylinder and torch assembly?

17 A. No.

18 Q. You hadn't dropped it?

19 A. No.

20 Q. Kicked it?

21 A. No.

22 Q. Banged it against something?

23 A. No.

24 Q. Let me phrase that question as to you. You
25 didn't observe anybody else dropping or banging or

1 kicking the cylinder that day?

2 A. No. It was inside the bin.

3 Q. Excuse me?

4 A. It was inside the bin.

5 Q. You took it out of the bin somewhere around
6 8:30, and from 8:30 to the time of the accident you
7 didn't see anybody drop or bang or throw the cylinder,
8 correct?

9 A. No. It wasn't handled by anybody.

10 Q. Other than yourself?

11 A. Other than myself.

12 Q. Did you ever before the accident and before
13 10:00 p.m. or even up to the time when you first picked
14 the cylinder up, did you see any dents or gouges on the
15 cylinder?

16 A. No.

17 Q. Did you see any cracks anywhere?

18 A. No.

19 Q. Did you see any dents or gouges on the torch
20 tip?

21 A. No.

22 Q. Or cracks?

23 A. No.

24 Q. Any kind of deformation?

25 A. No.